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# DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR 1985

## HEARINGS BEFORE A SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS HOUSE OF REPRESENTATIVES NINETY-EIGHTH CONGRESS SECOND SESSION

### SUBCOMMITTEE ON THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

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# **DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR 1985**

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**THURSDAY, FEBRUARY 2, 1984.**

## **PROPOSED DEVELOPMENTS ON THE NATIONAL MALL**

### **WITNESSES**

#### **COMMISSION OF FINE ARTS**

**J. CARTER BROWN, CHAIRMAN  
CHARLES ATHERTON, SECRETARY**

#### **NATIONAL CAPITAL PLANNING COMMISSION**

**GLEN T. URQUHART, CHAIRMAN**

#### **NATIONAL PARK SERVICE**

**RUSSELL E. DICKENSON, DIRECTOR  
MANUS J. (JACK) FISH, REGIONAL DIRECTOR, NATIONAL CAPITAL  
REGION**

#### **SMITHSONIAN INSTITUTION**

**S. DILLON RIPLEY, SECRETARY  
PHILLIP S. HUGHES, UNDER SECRETARY  
JOHN F. JAMESON, ASSISTANT SECRETARY FOR ADMINISTRATION  
DAVID CHALLINOR, ASSISTANT SECRETARY FOR SCIENCE  
WALTER J. BOYNE, DIRECTOR, NATIONAL AIR AND SPACE MUSEUM  
TOM L. PEYTON, JR., DIRECTOR, OFFICE OF FACILITIES SERVICES  
JAMES J. CHMELIK, DIRECTOR, BUSINESS MANAGEMENT OFFICE**

Mr. YATES. Mr. Reporter, show the hearing as coming to order.

This is a hearing in the nature of an oversight hearing. The committee really wants to be educated on what is proposed for the Mall, who is in charge of the Mall, and who may do what to the Mall, with or without the approval of whom. May the Park Service, on its own, build a restaurant on the Mall? Oh, you have to have the approval of the Fine Arts Commission and the Planning Commission and then you can build it. You don't have to ask Congress about it at all?

Mr. DICKENSON. Would you like me to—

Mr. YATES. Yes; can all of you get to the table?

The Smithsonian, Dillon, come up here. Park Service, come up here. Fine Arts Commission, come up here, and the Planning Commission.

Is there anybody else who should be coming up here?

Hi, Carter.

Mr. BROWN. Good morning.

Mr. YATES. Does each of you have a statement?

Mr. RIPLEY. I have a statement.

Mr. BROWN. I will be happy to answer questions.

Mr. YATES. The statements of Mr. Dickenson and Mr. Ripley, may be made part of the record at this point.

[The statements follow:]

STATEMENT OF RUSSELL E. DICKENSON, DIRECTOR OF THE NATIONAL PARK SERVICE, BEFORE THE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES ON FEBRUARY 2, 1984

Mr. Chairman, on behalf of the National Park Service, it is a pleasure to have this opportunity to discuss the planning and development of the Mall of our Nation's Capital and particularly the proposed facility at the National Sculpture Garden.

The planning for the Mall area began in 1792 with the original L'Enfant Plan for the City which established the major buildings and the strong geometry of the major east-west axis and its important intersections with the north-south street patterns. The Downing Plan for the Mall in 1851 obliterated the east-west axis in a network of curvilinear walks. In 1901 Senator McMillan established a Commission which re-evaluated the plan of L'Enfant in the context of what had occurred during the 19th century. That Commission reinforced and expanded L'Enfant's concepts and produced the plan which has guided the planning and development of the Mall as well as the park system for the Nation's Capital, since that time.

In 1910 the Congress established the Commission of Fine Arts and in 1924 the National Capital Planning Commission which were charged with overview and approval authority to guide the Planning and Development of the Mall. All planning and design of parks and buildings have received the careful scrutiny by these two Commissions since that time.

In the 1960's, as a result of numerous major proposals in the Mall and Pennsylvania Avenue, the Secretary of Interior determined that a master plan should be undertaken. The firm of Skidmore, Owings and Merrill was retained by the National Park Service and the 1966 Plan was created. This refined the McMillan concepts and received the conceptual approvals of the Commissions. In anticipation of the Bicentennial, this plan was further refined in 1973 and serves as our guide today.

Subsequently, the National Park Service has also completed more specific sub area plans for West Potomac Park, the Monument Grounds and the Mall from 3rd to 14th Street. When combined with the plans for Pennsylvania Avenue and the master plan for the United States Capitol, the guidance for the orderly development of the monumental area of the City is in place.

The 1964 Pennsylvania Avenue Plan and the 1966 Mall Master Plan, designated the site of the National Sculpture Garden which indicated a food service facility. Subsequently in 1967, the preliminary design was approved by the Commission of Fine Arts, and the National Capital Planning Commission with some recommended changes. In the Fiscal Years 1970 through 1972, the Congress appropriated 1.1 million dollars for the project. In Fiscal Year 1974 another \$200,000 was appropriated for ice skating refrigeration equipment.

During the interim stage of development this partially completed facility has proven to be popular even with the limited services which have been provided. The need for more efficient food services during the heavy use season is evidenced by long waiting lines, and we feel there is a substantial shortfall in the availability of food services for the Mall visitor. For this reason, we do not view this facility as competing with other interests.

We are enthusiastic that visitor Services on the Mall will be improved as a result of a wider variety of food choices being offered and the removal of two existing unsightly temporary units now located on the Mall. A prime factor in constructing a facility on the Mall in the Nation's Capital is the extraordinary high cost of design and construction. It is therefore necessary that the facility be fully utilized. This necessitates that the facility must satisfy a multitude of needs, i.e., seasonal needs of tourists, winter skaters, government workers and local markets.

With our recent efforts to complete this facility, we presented the revised design concepts to the National Capital Planning Commission and the Commission of Fine Arts. Our revisions have been approved by both Commissions.

In our early discussions with our concessioner (May 1982) we suggested that it was timely to pursue the completion of the National Sculpture Garden facility. They have considered the feasibility of the project and are prepared to make the needed investment. The estimated cost of construction is \$1.5 - \$1.9 million.

Mr. Chairman, we would be pleased to respond to any question.

## STATEMENT BY

S. DILLON RIPLEY  
SECRETARY  
SMITHSONIAN INSTITUTION

Thank you, Mr. Chairman.

We are always grateful for opportunities to appear before you and the Subcommittee to outline the various programs and activities of the Smithsonian and to describe some of the plans that are underway. Your particular interests today are, of course, Mall development and restaurant facilities. I am happy to provide an overview of our food service activities, as well as information on our plans for a restaurant on the East Terrace of the National Air and Space Museum which is the Institution's only project that will alter the current prospect of the Mall.

Since its opening in July of 1976 there have been persistent operating problems at the restaurant in the Museum. Located on the third floor and accessible only by elevator, the restaurant was designed to handle only half the number of visitors it now attempts to serve and in the summer months - a period of high museum vistitation - it is completely inadequate. Furthermore, apart from outdoor service on the plaza of the Hirshhorn Museum and on the West Terrace of the Air and Space museum, which is available between Memorial Day and Labor Day, the third floor restaurant is the only public eating facility on the south side of the Mall.

Until Labor Day of 1981 the restaurant had been operated by a concessionaire who paid royalties to the Institution on all food sales. The expiration of a food service contract at that time created an opportunity for the Smithsonian to see whether or not self-management of this facility would provide better service to the public at an acceptable financial return.

The Regents approved this experiment and received periodical reports about our operations which, despite our best efforts, showed that the costs were higher than expected and the net gains much lower. Furthermore, management and personnel problems required more attention and produced less improvement than we had hoped.

Last spring we undertook an internal review of the Air and Space museum restaurant, comparing it with other Smithsonian restaurants, and also engaged a consulting firm with expertise in the food service industry to review all of our activities in that area and to provide recommendations with respect to their management. It is worth noting here that, in addition to the Air and Space museum, the Smithsonian offers food service in the National Museum of American History, the National Museum of Natural History, the Castle, the Hirshhorn, and the American Art and Portrait Gallery building. Gross sales totalling approximately \$9 million annually represent about 3.2 million customers and net revenue to the Institution in FY 1983 of some \$1,050,000. The report of our consultant makes it clear that the Smithsonian and its visitors would benefit from returning the Air and Space museum restaurant to a concession operation. At its meeting in September, our Board of Regents considered these various aspects of Smithsonian food service operations, and were also advised that, at the request of the Secretary and the Museum's director, the original architect of the National Air and Space Museum had developed preliminary sketches of a ground floor addition on the East Terrace for a restaurant with a capacity

nearly three times greater than that of the present one. With the expectation that such a project could be self-supporting from earned revenues, the Regents supported it in principle, but asked that additional information on food service delivery be provided for further consideration at their meeting in January.

There have been major developments on significant aspects of our food service activity since that time. Design of the restaurant is proceeding well and is being financed with non-Federal funds derived from current food service operations. The restaurant would be enclosed by tinted double-glazed glass walls with its stepped roof covered by the same glass and supported by light steel framing. The terrace level of the restaurant would provide cafeteria service for more than 800 visitors and its mezzanine would offer table service for another 200. During the summer months seating for an additional 220 people would be available out-of-doors on the Mall and Independence Avenue sides of the building.

The cafeteria and mezzanine, consisting of 22,700 gross square feet and 4,500 gross square feet respectively, would be connected by a central core to a kitchen of 12,200 gross square feet immediately below in the Museum's service area. Incoming food and supplies, as well as trash removal, would be through the existing service access.

The restaurant would function independently of the Museum, thus permitting its operation for breakfast, in advance of the beginning of visitor hours in the morning, and its availability

after the Museum closes in the evening. The mechanical system is being designed to be independent of the Museum's heating and cooling components, and utilities would be separately metered.

The estimated cost of construction is \$8.9 million. Other costs, which include design fees, food service equipment, and furniture, total \$3.0 million. Plans and specifications will be available for bid solicitation by mid-May, and bids are to be opened at the end of June. It is expected that construction will be completed late in the fall of 1985. Until that time the restaurant on the third floor will continue in operation.

This project has been reviewed by the National Capital Planning Commission (NCPC) which approved the concept on December 1, 1983. The Commission of Fine Arts (CFA) and the State Historic Preservation Officer for the District of Columbia have also reviewed and approved the project. We will resubmit the project to both commissions for final consideration when the design work is complete.

In order to restore all restaurant operations to concessions and to select one or two concessionaires to handle our food service needs when current contracts expire later in 1984 and in 1985, we published notices nationwide to this effect and received statements of interest and qualification from 14 firms. Those firms determined to be qualified have been sent requests for proposals. These are structured to allow firms to bid only on the Air and Space museum project, which includes construction and operation of the East Terrrace restaurant as well as conversion

of the existing facility to a high quality dining room; to bid only on the other museum restaurants; or to bid on the total package. The deadline for all bidding is March 15.

Information already received from the interested firms indicates that most of them are, indeed, willing to finance the full costs of the Air and Space museum addition. We would expect to award one or two contracts depending on an assessment of the financial arrangements offered, but with attention to the possible merits of obtaining healthy internal competition should two firms be selected.

All of the foregoing was reviewed and discussed by the Regents in considerable detail at their meeting on January 23rd. It is their judgment that this overall program for concessionaire selection and operation, as well as construction of an addition to the National Air and Space Museum, is the most reasonable means of providing appropriate and varied food services for our visitors while being mindful of the financial and management resources of the Institution. To keep pace with developments associated with this undertaking the Regents asked for further information and a report of progress at their May meeting.

Mr. Chairman, before concluding I would like to discuss briefly what has come to be known as the Last Site on the Mall. That small piece of land bounded by Third and Fourth streets and Independence and Maryland avenues just east of the Air and Space museum was, you may recall, reserved in 1975, under the terms of P.L. 94-74, for the future public uses of the Smithsonian. I am certain, Mr. Chairman, that you will be pleased to know we have absolutely no plans for its use at this time.

My colleagues and I will be happy to respond to any questions that you or other members of the Subcommittee may have about our proposal to improve public food service on the Mall.

STATEMENT OF GLEN T. URQUHART, CHAIRMAN  
NATIONAL CAPITAL PLANNING COMMISSION  
MALL DEVELOPMENT  
SUBCOMMITTEE ON INTERIOR AND RELATED AGENCIES  
COMMITTEE ON APPROPRIATIONS  
UNITED STATES HOUSE OF REPRESENTATIVES

February 2, 1984

Mr. Chairman and members of the Committee, I am pleased to be here to testify on behalf of the National Capital Planning Commission regarding the Commission's role in the planning and review of developments on the Mall. For the record, we have provided the Committee with copies of the Commission's requirements respecting submissions of master plans, project plans, and capital budgets and programs by Federal agencies planning developments in the National Capital Region.

Modern city planning in the Nation's Capital started with the Senate Park Commission (the McMillan Commission) report of 1902. The most detailed element of this report was a plan for public buildings and Federal parkland in the central portion of the city. This plan basically took its inspiration from the original plan for central Washington prepared by L'Enfant.

The McMillan Plan has given our central area the outstanding beauty and character that we know today. We believe that one of the Commission's major charges is the protection and enhancement of the overall concepts of this Plan. Specific plans for the implementation of the McMillan Plan were largely developed by the predecessor of NCPCC, the National Capital Park and Planning Commission, in the late 1920's and the 1930's. Since its inception in 1926, the Planning Commission, both in preparing and reviewing

the Mall plans, has consistently sought to achieve continuity in the protection and enhancement of the McMillan Plan, while recognizing that the dynamics of change sometimes require adjustments to it.

The most recent master plan for the Mall was prepared by the National Park Service, which has jurisdiction over the land, in 1966. While the 1966 Plan did incorporate and enhance many of the McMillan Plan concepts, the Commission had serious reservations about a number of its proposals and features, such as a proposed tunnel freeway under the Lincoln Memorial. The 1966 Plan for the Mall has, in effect, been updated and improved upon by a number of more recent subarea plans such as the 1974 Bicentennial Plan, the 1982 East Potomac Park Plan, and the 1983 Washington Monument Grounds Plan and the West Potomac Park/FDR memorial proposal of that same year. This body of plans, concepts, and policies relating to the Mall should, and does, serve as a context for the review of each proposal on the Mall. None of these plans should be viewed so rigidly, however, that meritorious proposals are prohibited and outdated or undesirable proposals required. Many outstanding projects not envisioned by all of these plans have been constructed on the Mall, often under legislative mandate, e.g., the East Wing of the National Gallery, the Vietnam Veteran's Memorial, the Hirshhorn Museum. Conversely, several undesirable features of some earlier plans (e.g., the 1966 Mall Plan), have been superseded by subsequent subarea plans, and therefore have fortunately not been implemented. The important function of these related plans and policies is to provide a framework for accommodating valid development needs while maintaining continuity in the grand concepts of the McMillan Commission plan.

We do believe, Mr. Chairman, that it may be time for a comprehensive synthesizing and updating of these numerous planning undertakings into one master plan for the Mall and hope that resources for such a plan can be made available to the National Park Service in the near future.

I will be pleased to respond to questions concerning our procedures or actions taken by the Commission regarding specific plans or proposals for the Mall.

Mr. YATES. Mr. Urquhart you are with the National Capital Planning Commission. Right?

Carter, you are Fine Arts.

Mr. BROWN. I can be also Gallery if you need any questions answered there.

Mr. YATES. Appearing before the committee this morning are old friends and a new friend. The old friends are Mr. Carter Brown and Mr. Atherton, for Fine Arts.

Mr. Urquhart, new Chairman of the National Capital Planning Commission; Park Service, oldtimers Russell Dickenson and Jack Fish; and the Smithsonian Institution with its long distinguished secretary, Mr. Ripley; under secretary, Mr. Hughes; Mr. Jameson, Mr. Challinor, Mr. Boyne, Mr. Peyton, and Mr. Chmelik.

There are, I take it, bodyguards, assistants and others who are accompanying. All right let's start with Mr. Ripley. Your statement has been made a part of the record.

Mr. RIPLEY. Thank you, sir.

#### HISTORY OF MALL DEVELOPMENT

Mr. YATES. Do we want you first, or do we want Mr. Brown, because he is going to give us a little of the background and history of the Mall and its plans, who is in charge of it and what background is of development there. Can you give the committee that?

Mr. BROWN. I think so, Mr. Chairman.

Mr. YATES. All right.

Mr. BROWN. Well, as we all know, it goes back to Major L'Enfant and to George Washington and Thomas Jefferson. In 1901, the Congress in its wisdom began to worry about the L'Enfant plan not being adhered to, and in 1910 appointed a Commission of Fine Arts to oversee this problem in particular.

By 1966, the firm of Skidmore, Owings & Merrill was retained by the National Park Service to come up with a master plan for the Mall.

Mr. YATES. Retained by the National Park Service?

Mr. BROWN. As I understand, that is right.

Mr. YATES. Yes.

#### NATIONAL SCULPTURE GARDEN

Mr. BROWN. At about this time, or specifically, on May 2, 1966, an agreement was entered into between the Secretary of the Interior and the President of the National Gallery, Mr. Mellon, to develop the site across from the National Archives as a National Sculpture Garden.

For some background, there had been some thoughts that the Hirshhorn might go on that site. My recollection is that the National Capital Planning Commission was against there being a construction of buildings all over that site, so as to keep the cross axis Major L'Enfant had originally designed, opened. That axis, of course, goes across the Mall and through the Archives building and up to the Fine Arts and Portrait Gallery building.

The original plan, I think Mr. Ripley will remember, was there for an underground building on that site for the Hirshhorn collection, but the donor, as I recollect, was not very enthusiastic about,

as he put it, being put underground so soon. And, therefore, a new site was found on the other side of the Mall and all the steps necessary were taken for moving the Armed Forces Institute of Pathology out of the way. However, it was thought that that was a natural site for a Sculpture Garden to develop in the future.

Therefore, the agreement, which I would be happy to submit for the record, if you would like it, was signed.

Mr. YATES. It may be received without objection.  
[The agreement follows:]

**COOPERATIVE AGREEMENT BETWEEN THE DEPARTMENT OF THE INTERIOR AND THE NATIONAL GALLERY OF ART**

This Agreement, made and entered into this 2d day of May, 1966, by and between the Department of the Interior, represented by the Secretary of the Interior, herein-after referred to as the "Secretary," and the National Gallery of Art, hereinafter referred to as "Gallery";

**WITNESSETH**

Whereas, the report of the President's Council on Pennsylvania Avenue suggested the creation of a Sculpture Garden by the Gallery on the Mall between the Gallery and the Museum of Natural History, known as L'Enfant Square; and

Whereas, the Secretary has authorized the National Park Service to contract for a design for the development of the Mall including a proposed Sculpture Garden; and

Whereas, it is the intention of the Secretary that this Garden be developed in collaboration with the Gallery; and

Whereas, the Gallery has advised the Secretary of its desire to cooperate fully in the development of park lands in the Mall in the area of L'Enfant Square; and

Whereas, the parties signatory hereto desire that work be begun as soon as possible looking toward the completion of this project; and

Whereas, in order to achieve this objective, it is essential that there be a delineation of the areas of responsibility with respect to the activity of the parties signatory hereto;

Whereas, in consideration of the mutual promises and agreements contained herein, subject to the availability of funds, the parties hereto agree as follows:

1. The Secretary, through the National Park Service and at its expense, will be responsible for—

(a) The construction, landscaping, lighting (both display and ambulatory), policing, maintenance, and security of the Sculpture Garden and for the security of the works of art therein; and

(b) The installation and erection of the sculpture in the Garden (including, without limiting the generality of the foregoing, all work necessary or required for this purpose, such as the pouring of foundations) with the right in the Gallery to supervise this activity to the extent of erecting the works of art.

With respect to the landscaping, designing, and the display lighting, the views of the Gallery with respect thereto are to be solicited and considered. The Secretary shall have final authority in the area as to the foregoing, but decisions pertaining thereto will be made by him only after first obtaining the recommendations of the Gallery in regard to plans with respect to landscaping, designing, and display lighting.

2. The Gallery at its expense will be responsible for acquiring the sculpture to be displayed in the Garden, its physical care, maintenance, and labeling, and such educational programs with respect to such works of art as the Gallery may ultimately determine. The Gallery will have the final decision for the selection of the sculpture to be located in the Garden. To assist the Gallery in this undertaking, an Advisory Selection Committee, constituted as set forth below, may make recommendations to the Gallery for its consideration with respect to the sculpture to be installed. This Committee will consist of the Director of the National Gallery of Art, as Chairman; and

The Secretary of the Interior or his designee;

The Secretary of the Smithsonian Institution or his designee;

The Chairman of the Fine Arts Commission or his designee; and

The Chairman of the National Council on the Arts or his designee.

3. It is jointly understood and agreed that unless otherwise required by Congressional legislation there will be no subsurface parking under the National Sculpture Garden on L'Enfant Square after its creation.

4. The Gallery shall retain all right, title, and interest in and to any and all works of art installed and erected in the Sculpture Garden, and such installation and erection shall not in any way vest in the Department of the Interior, its Bureau or Services, any right, title, or interest in said works of art. The Gallery shall have the right at any time to remove any work of art from the Sculpture Garden for the purpose of maintenance, repair, replacement, or substitution.

Mr. BROWN. In 1966, this called for the development of a sculpture garden jointly. The National Gallery would be responsible for providing the sculpture and curatorial input. And the National Park Service would be responsible for everything else. The physical designing of the facility went forward, entrusted to the San Francisco office of the firm of Skidmore, Owings & Merrill.

The original design included, as I remember at my suggestion, a skating rink. As I recall, I went first to my then-boss, the Director of the National Gallery, John Walker, who then went to his then-boss, Paul Mellon as President of the Gallery, and then we went to George Hartzog as head of the Park Service and everyone seemed very enthusiastic about this idea of enlivening a sculpture garden with a pool that could be a skating rink in the winter, and therefore give the people use at the site at a season when people might not be particularly motivated to come down and look at sculpture in their overcoats.

In the summer it would double as a pool. I have always had a dream that people could sail model boats there the way they do in the Tuilleries in Paris.

We have had long discussions with the Park Service about a concessionaire that could be found to perhaps make available model sailboats that could be there in that pool during the summer. We also thought perhaps band concerts could take place there. Water is a natural reflector of sound. And the future of that as a lively place on the Mall seemed very bright.

In conjunction with the skating rink idea, the Park Service pointed out that there are certain infrastructure facilities that one has to provide. First of all, an opportunity to rent skates, and secondly, for the comfort of the visitor who is apt to be rather cold, a place where he could pick up some hot chocolate or maybe some refreshments. And we thought this would be a splendid concept, because in the summer, there are many tourists visiting the Mall, and that if they were going to be using this facility, perhaps refreshments could be served then as well. And so SOM designed a facility. And the Congress approved the construction of the skating rink and the infrastructure of the facility, which was required in order to freeze the rink.

While they were at it, they designed it in such a way as to provide the basement for a future eating facility. It is covered over now by a temporary facility which is no great shakes, but serves the temporary function of providing some of these basic amenities.

The SOM firm's original concept of the eating facility cum skate rental was a Mies Van Der Rohe kind of glass box which I always regretted it as being a little bit of a cliche by that time. It was like

a branch bank, and I felt was not totally the spirit of a garden pavilion one might relish there.

The whole idea was to minimize the structure and make it as light and gardenesque as possible. So the very talented person in the San Francisco Skidmore office, Charles Bassett, came up with a design everybody seemed to fall in love with instantly which was a very light, lacy garden pavilion concept. I think there is probably a drawing of it around someplace, if one could submit it. Here we go.

This gives you the idea. These are the drawings.

Mr. YATES. Thank you.

Mr. BROWN. However, this got stuck on the question of who would pay for it. To the Fine Arts Commission's great surprise, they have found someone. Some of this history is recounted in the Senate Congressional Record of September 21, 1983. But it leaves out a submission to the Fine Arts Commission in 1971. There was a submission on the 21st of April in which the overall Sculpture Garden design was approved, including a small adjoining restaurant. Then, on the 17th of November, 1971, there was a model and drawings shown.

This was, as it happens, my first meeting as Chairman of the Fine Arts Commission. And this was the meeting at which this new design was presented, and I think everyone was very enthusiastic about it. However, since 1971, not much happened until just this year, when the Commission received a submission for the implementation of this design, which had gone with very little change in the intervening time. We met just last week with further refinements, including some small kiosks that seemed to be necessary. And the concept was—

Mr. YATES. Necessary for what?

Mr. BROWN. One was for a restroom facility. One was for the expandability in the summer. The concept being that there is a very different usage level predicted, as I understand it, between winter and summer. So that one gets the ability to expand by serving outdoors in the summer, and then imploding back into the perimeter of the building for winter service.

Mr. YATES. How large is the rink, and is it to be frozen artificially as hockey rinks are now for sports?

Mr. DICKENSON. It has been for the last several years in operation.

Mr. BROWN. Quite successful.

Mr. YATES. Is this part of the Park Service budget?

Mr. DICKENSON. Yes.

Mr. BROWN. As I understand it, though, the Fine Arts Commission isn't involved in the financing of these facilities, only in the design. My understanding is that what has made possible this return to the originally approved facility has been the interest of a private concessionaire to finance it. And this would not have to be done at public expense.

Mr. YATES. Would the restaurant surround the pool? What is the proposal? Why would the concessionaire be willing to finance this?

Mr. DICKENSON. May I?

Mr. YATES. Sure.

Mr. BROWN. Yes.

Mr. DICKENSON. The existing concessionaire, Guest Services, Incorporated, has been the concessionaire for National Parks for 30-some odd years. They are in place at the Sculpture Garden as they are in many other locations including the Washington Monument, Lincoln Memorial and dozens of other locations, the C&O Canal. They have conducted a winter operation there, skate rental. They do operate the skating rink. There is limited food service operation in a temporary interim facility there at the present time.

For over a decade, we have planned a permanent restaurant facility which has been approved by the Congress.

Mr. YATES. A restaurant? When did the Congress approve that?

Mr. DICKENSON. Well, the part of the plans—

Mr. YATES. Is this the 1966 plan you are talking about?

Mr. DICKENSON. The 1966 plan, subsequently updated in 1974 as a part of the Bicentennial effort. All of these have been reviewed at one point or another with the Congress, Fine Arts Commission and National Capital Planning Commission. The project was first approved, Mr. Chairman, in 1966.

#### HISTORY OF SCULPTURE GARDEN PROJECT

Mr. YATES. This is a letter I have from Secretary of Interior Clark dated February 1 in which he responds to certain questions we asked him concerning completion of the National Sculpture Garden which may be inserted into record at this point.

[The information follows:]



THE SECRETARY OF THE INTERIOR  
WASHINGTON  
February 1, 1984

Honorable Sidney R. Yates  
Chairman, Subcommittee on Interior  
and Related Agencies  
Committee on Appropriations  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Yates:

Please find enclosed our response to the questions raised in House Report No. 98-399 on September 30, 1983, page 13, concerning the completion of the National Sculpture Gardens.

If we can be of further assistance or provide additional information, we will be pleased to do so.

Sincerely,

A handwritten signature in black ink, appearing to read "William Clark".

William Clark

Enclosures

RESPONSE TO QUESTIONS REGARDING NATIONAL SCULPTURE GARDENS  
Page 13, House Report No. 98-399  
September 30, 1983

1. What is the current level of demand and the current supply of food services and comfort facilities on the Mall, and including adjacent facilities such as the Pavilion in the Old Post Office Building, compared to the 1966 levels?

Demand for a higher quality food service facility was studied by Guest Services, Inc. (GSI) in evaluating its decisions to commit its resources to this project. There are currently long lines at each of the food service units that GSI now operates on the Mall. Some of these mobile units have been improved in the past year to increase their ability to serve Mall visitors; however, because these units are temporary, the type of food service is very limited and significantly improving the service has been difficult.

Use of these Mall food service units is in great demand. Generally, the Mall visitor attempts to visit as many of the memorials, monuments and museums as possible. This pattern places a severe time constraint on the visitors, and is highly displeasing to those who do not wish to commit time to physically leave the Mall area for food. Therefore, in providing basic services for the Mall visitor the NPS must be aware of time, proximity, and convenience.

The development of food facilities at the old Post Office is expected only to increase demand in the Mall area by attracting more and more visitors to the area. The addition of this new restaurant pavilion building will also improve the ice rink which is very attractive to Washingtonians in the winter months. With the construction of this facility, coupled with the anticipated relocation of the Washington Monument Food facility, non-essential food service units currently on the Mall can possibly be eliminated. With regard to the facility itself, there follows a general description of how we view: (1) the competitive market, (2) the demand for this type of service, and (3) the facility concepts and menu profile.

Competitive Market

It is felt that there are three distinct geographic areas which make up the competitive market for the National Sculpture Garden facility. These are identified as follows:

A. The Mall Area

There are three levels of food service currently provided in this area. They consist of refreshment stands, museum cafeterias, pushcart vendors, and a small portion of moderately priced table service restaurants and cafes within museums. Competitive analysis: the refreshment stands and vending carts only satisfy the immediate need for food. Each of the museums offers one or more food service facilities and seems to exist solely to serve visitors within the same enclave and does not actively promote its existence. The Smithsonian cafeterias are not perceived to be in direct competition with the Sculpture Garden facility.

B. Pennsylvania Avenue Development Corporation Area.

This area stretches along the north side of Pennsylvania Avenue, due north of the site. Competitive analysis: the availability of several moderate to upper scale facilities in this area will satisfy much of the luncheon meal period restaurant demand in the general vicinity but is not expected to lessen the likelihood of area employees targeting the Sculpture Garden restaurant as an alternative dining destination. It is unlikely that evening activities in the PADC area will generate demand for an evening meal on the Mall without an active promotion directed at this group.

C. Federal Triangle Area.

Each of the buildings in the Federal Triangle features a cafeteria for employee food service. It is estimated that almost two-thirds of this population utilizes other food facilities. Competitive analysis: this suggests that the large number of Federal workers represents an untapped reservoir of Mall restaurant patrons.

Demand Summary

The market study indicates the need for an up-scaled, free standing restaurant facility which will satisfy a multitude of needs throughout the course of the year. These needs are summarized below in relation to the type of facility which we feel will be required to support this demand.

A. The facility should be sized to capture the peak summer demand with the flexibility to limit the number of seats during the winter.

B. The visitor market will provide the highest volume of restaurant traffic during the summer months and the facility should capitalize on the more discriminating market who desire table service and moderately priced meals, as well as the family oriented tourist. The pricing structure and menu offerings must be flexible enough so as to provide for the family oriented tourist either on a "take out basis" or "sit down service" and yet be attractive to the Federal Triangle employees.

C. The visitation pattern of Mall visitors suggests the need for a light breakfast offering prior to the opening of museums and during the early morning hours.

D. The 50 percent decrease in the number of Mall visitors in the winter must be offset by targeting the restaurant concept to service winter skaters and the surrounding area employees. By eliminating outdoor seating in the winter months, the problem of scale is partially rectified. Nonetheless, the emphasis of the winter restaurant market should be aimed at capturing Federal employees and winter skaters.

E. In light of the lack of evening Mall activity and the recent curtailments in the museum hours of operation, dinner service is not realistic during the summer without an active marketing campaign to enhance the economic viability of the restaurant. In the winter, however, some type of dinner menu should be provided for skaters.

Facility Concept and Menu Profile

The proposed concepts for this facility represent several carefully coordinated elements combined to satisfy the seasonal needs of tourists, government workers, winter skaters and the local markets. The facility will offer a moderately priced menu with full table service. To satisfy peak summer demands, outdoor dining will be available from a cafe-style patio area. Indoors, the restaurant will feature year-round casual, brasserie-style dining. The total facility will consist of 200 seats for indoor dining, 75 patio seats and 300 seats in the outdoor area. In addition, a small gift shop (450 sq. ft.) is contemplated along with restrooms. The total outside dimension of the facility will be approximately 7,800 square feet.

In summary, it is felt that this facility will provide a necessary service for the visitor and can succeed financially as it will be directed toward satisfying a multitude of needs in capturing a clientele whose needs are not met in the traditional sense, i.e., museum cafeterias or Federal office cafeterias. The size and scope of this facility is very insignificant when compared to the overall supply of food services.

2. What will be the nature of the concessioner's arrangement between GSI and the Park Service?

GSI will complete the construction of this facility at a cost of approximately \$1.5 million to \$1.9 million. This will be done under the authority of its concession contract which will require the payment of a franchise fee to the government based on a percentage of gross receipts, which is the standard practice for the National Park Service. GSI is currently paying a franchise fee of 3%.

3. What are the potential other uses for this space and how do those potential uses compare to the current need for food and comfort facilities on the Mall?

There may well be other potential uses for this space such as a visitor information/interpretive center, or museum for art and sculpture and possibly others. However, the National Park Service considers food and comfort facilities to be our first priority.

GSI currently uses the site as support for the ice rink and as a temporary food service unit to support the ice rink activities. The basement of the restaurant was constructed to serve both as mechanical support for the ice rink and as the restaurant's kitchen.

The food unit will occupy a small portion of the site. Most of the area will be oriented as a pool/ice rink with adjacent space for outdoor sculpture and landscaped garden where people can sit and relax. With the ice rink/sculpture garden activities at this location, few other alternatives exist for this Mall quadrant.

4. What is the overall need to update the 1966 master plan governing Mall development?

It is the opinion of the National Park Service that there is no need to update this plan. The 1966 master plan itself is based upon the McMillan Commission Plan of 1901 and the first grand design for Washington prepared by L'Enfant. The 1966 master plan is general in concept and represents an implementation of the McMillan plan and is still a viable approach toward improving year-round attractiveness, visitor services (food and rest facilities), visitor access, and circulation; all of which are intended to eliminate incompatible and unnecessary structures and surface traffic from park areas. This 1966 plan was re-evaluated in 1974 in anticipation of the Bicentennial Commemorative Program which reinforced the need for the National Sculpture Garden and its associated restaurant.

NATIONAL SCULPTURE GARDENBACKGROUND INFORMATION

The Mall Master Plan, completed in 1966, designated the National Sculpture Garden and the adjacent portions of the Mall to include visitor accommodations.

On May 2, 1966, the Secretary of the Interior and the National Gallery of Art entered into a Cooperative Agreement whereby the National Sculpture Garden would be developed in collaboration with the Gallery.

Following this agreement a verbal understanding between the NPS and the Mellon Foundation contemplated matching funds from the Foundation for construction of walks, walls, seating areas, landscaping, etc., related to the Sculpture Gardens; exclusive of the pool and restaurant pavilion. Programming and design proceeded on that basis until July 1971, when Mr. J. Carter Brown informed Director Hartzog by telephone that the Mellon Foundation could not participate in the project.

**COMMISSION APPROVALS:**

On May 14, 1967, the preliminary design of the Sculpture Garden, including the restaurant, was presented to the NPS and the Board of Trustees of the National Gallery of Art and was approved.

On July 21, 1967, the preliminary design plan was presented to the Commission of Fine Arts and approved on the condition that the terrace sight levels at the interior corners be studied.

On September 14, 1967, the preliminary design plan was approved by the National Capital Planning Commission. Two recommendations were included in their approval. One had to do with the "cross axis vista" and the other with the possible future construction of the pedestrian bridge.

On July 7, 1983, the National Capital Planning Commission approved the revised design concepts and requested that certain details be addressed in the next submission to the Commission. On July 12, the Commission of Fine Arts also approved the design of the building.

**CONGRESSIONAL APPROVAL:**

The House Subcommittee on Department of Interior and Related Agencies Appropriations first approved the project in 1966. A total of \$868,000 was appropriated for the project in FY 1966-1968. However, in FY 1969 these funds had not been obligated and were rescinded as part of a major cutback to reduce government-wide expenditures during the Vietnam War.

Subsequently, Congress appropriated \$1.1 million in FY 1970-1972 for the project which included funds for construction of the basement of the restaurant which would also house mechanical equipment for the skating rink, and in FY 1974, \$200,000 was appropriated for refrigerating equipment. The facility remains unused except for the winter skating season.

COORDINATION WITH SMITHSONIAN AND NATIONAL GALLERY OF ART

Officials of the Smithsonian Institution, the National Gallery of Art and the National Park Service have met to brief one another on food service plans for the Mall area. The feelings are that our various facilities meet the needs of those who visit our facilities and represent no undue competition to one another.

## ICE SKATING RINK

Mr. YATES. In that letter, he says that the House Subcommittee on the Department of Interior and Related Agencies of the Appropriations Committee first approved the project in 1966, with a total of \$868,000. But in 1969, the funds has not been obligated nor rescinded as a part of a cutback of expenditures during the Vietnam War.

Subsequently, Congress appropriated \$1.1 million in fiscal year 1970 to 1972 for the project, including funds for construction of the basement of the restaurant, which would also house mechanical equipment for the skating rink.

In fiscal year 1974, \$200,000 was appropriated for refrigerating equipment. The facility remains unused except for the winter skating season. How much of that money was spent?

Mr. DICKENSON. All of it, sir.

Mr. YATES. All of it?

Mr. DICKENSON. Yes.

Mr. YATES. All of it was spent for refrigeration equipment?

Mr. DICKENSON. The \$200,000 was. The one million was provided for the basics, pool and skating rink area itself and drawing in landscaping to make it a useable facility.

Mr. YATES. I see. How many people do you get skating there?

Mr. DICKENSON. May I defer to Mr. Fish on that?

Mr. YATES. Sure. I really wasn't aware of it.

Mr. FISH. There are some pictures there, Mr. Chairman, if you care to look, of what exists out there right now.

Mr. DICKENSON. That is the pool area facing the Archives.

Mr. YATES. The picture you have just handed me shows about six people on the ice. Is this frozen now?

Mr. FISH. Yes.

Mr. YATES. I think the committee will go over and look at it one of these days because I really wasn't aware of it. Are you hidden from the street so that nobody knows you exist, or is it just that I am not—

Mr. DICKENSON. There are landscape forms which soften the area as a public use area. But it can be observed from Constitution Avenue.

Mr. YATES. I had the impression that all this domain was Smithsonian domain. But apparently I was wrong. Up and down the Mall.

Mr. DICKENSON. Mr. Chairman, the National Park—

Mr. YATES. At least the Smithsonian likes to think so.

Mr. DICKENSON. Mr. Chairman, the National Park Service does have responsibility for the grounds, and the major monuments and memorials.

Mr. YATES. I see. All right. Then you are a partner of the Smithsonian. Is that correct?

Mr. DICKENSON. That is correct, sir. We are a good partner.

Mr. YATES. Is there another picture showing more than six people skating?

Mr. FISH. I think this picture shows about a dozen, Mr. Chairman.

Mr. YATES. These pictures show snow.

Mr. FISH. That is just the ice. They scrape the ice, Mr. Chairman.

Mr. YATES. All right. So you are in operation today and you have lights there. Are you in operation at night, too?

Mr. FISH. Yes.

Mr. DICKENSON. The concessionaire is.

Mr. YATES. Can you tell me his hours?

Mr. FISH. Probably until nine o'clock.

Mr. YATES. Is he open every day?

Mr. FISH. Yes.

Mr. YATES. He is open until nine every day?

Mr. FISH. I believe so.

Mr. YATES. Monday through the rest of the week?

Mr. FISH. Yes.

Mr. YATES. This doesn't cost you anything?

Mr. FISH. No, sir. It is a concession operation.

#### SCULPTURE GARDEN RESTAURANT

Mr. YATES. I see. Well, we have to take a look at that.

Now, I interrupted you while you were testifying. I didn't mean to, because I wanted to know about the rink. Where is the restaurant to be located with reference to the rink, or is there no connection?

Mr. FISH. It is exactly where that temporary structure—

Mr. BROWN. Let me orient you. Here is—

Mr. YATES. Here, referring to, for the purpose of the record.

Mr. BROWN. On this drawing made by Skidmore, Owings & Merrill—we can number it—it shows a plan showing the Archives building, the National Museum of National History, and the west end of the west building of the National Gallery of Art. And so the Hirshhorn is over here.

Mr. YATES. Over here being across the Mall?

Mr. BROWN. Being on the south.

Mr. YATES. Okay.

Mr. BROWN. On the west side of the skating rink area is where the basement already exists for a future building?

Mr. YATES. Future building meaning a restaurant?

Mr. BROWN. For whatever use, but that was what it was thought to do.

Mr. YATES. What other building would you want there?

Mr. BROWN. I can't think of another use for it. I don't think it is a case where the landuse would be better used any other way. But from a design point of view, at any rate, there has been approved by both the Commission of Fine Arts and the National Capital Planning Commission, a building on that site, the west side of the site.

Mr. YATES. How long has that basement been in existence?

Mr. DICKENSON. Since 1974; 1973-74.

Mr. YATES. Why haven't you asked to go ahead with it?

Mr. DICKENSON. We have on top of that since that time, a temporary facility Mr. Chairman.

Mr. YATES. For dressing?

Mr. DICKENSON. For comfort station facilities, for skate rental and as a wintertime temporary food service operation. So the basement area was constructed originally primarily to hold compressor

equipment for the icemaking. On top of that you see in the photograph which I am holding up temporary facilities.

#### MALL BOUNDARIES AND CONSTRUCTION

Mr. YATES. Okay. All right. Let's get back to the Mall.

Is there any existing law which prevents any building from taking place on the Mall? Perhaps we should first describe what the Mall is. Have the boundaries of the Mall been established by legislation? Does anybody know?

Mr. FISH. I don't think so, Mr. Chairman, but basically the Mall is considered from First Street—

Mr. YATES. What are the boundaries of the Mall?

Mr. FISH. From First Street, Northwest, to the river behind Lincoln Memorial and Constitution Avenue and Independence Avenue, generally.

Excuse me, Mr. Chairman, but basically on the drawing on the wall there you can see Constitution and Independence. Then you might consider some of that down in West Potomac Park around the Tidal Basin as part of the Mall. But basically it is the stretch from the Capitol to Lincoln Memorial.

Mr. DICKENSON. It is the east-west axis from the Capitol to the Lincoln Memorial, is another way of expressing it.

Mr. YATES. Yes.

Mr. FISH. Then all those Smithsonian buildings have been legislated by the Congress and placed there.

Mr. YATES. There is one tract the Smithsonian still has its eye on.

Mr. FISH. Yes.

Mr. YATES. That is to the right there.

Mr. FISH. Yes.

Mr. YATES. Right. I am kind of surprised Dillon hasn't gone forward with that.

You had to leave something for your successor, didn't you, Dillon?

Mr. RIPLEY. I guess so.

Mr. YATES. You have no plans for its use at this time?

Mr. RIPLEY. Absolutely.

Mr. YATES. You use the word absolutely.

Mr. RIPLEY. I can add, Mr. Chairman, that under the legislation which the right was given to the Smithsonian to construct something there, it was specified that at the time any structure is planned, we would come back to the Congress and ask for permission to do so, with the designs in hand as it were, because there was a great deal of opposition at that time to building anything more on the Mall that would interfere with the sight line from the Capitol and congressional offices on the Hill.

Mr. YATES. Is there anything else contemplated for building on the Mall? I know the Smithsonian proposes to build an addition to the Air and Space as a restaurant. There is this possible restaurant that the Park Service may build.

Mr. DICKENSON. Plus removal of the Washington Monument food service facility, which is directly in the sight line between the Cap-

itol and the Washington Monument. We want to remove that and replace that at another location.

Mr. YATES. Does GSI operate that now?

Mr. FISH. That is another restaurant, Mr. Chairman. It is not the one we are discussing at the Sculpture Gardens.

Mr. YATES. I know that.

Mr. FISH. Yes.

Mr. YATES. Where is the Sculpture Garden to be, incidentally? Are we talking about the Hirshhorn Sculpture Garden?

Mr. BROWN. No. This would be another one.

Mr. YATES. Who was supposed to create that garden? Are you supposed to do that as the National Art Gallery?

Mr. BROWN. We would be responsible for that.

Mr. YATES. Do you have plans for that?

Mr. BROWN. No immediate ones.

Mr. YATES. Do you have future plans for it?

Mr. BROWN. We have hopes, but we do not have plans.

Mr. YATES. What else is proposed to be built on the Mall at this time?

Let me ask a question. Is this area which is the center strip running from—

Mr. DICKENSON. Third Street.

Mr. YATES. Third Street all the way to the Washington Monument grounds to be sacrosanct and free from any buildings of any kind?

Mr. DICKENSON. Inviolate.

Mr. YATES. Mr. Dickenson nods his head yes.

Mr. DICKENSON. I am saying also inviolate.

Mr. YATES. This is the area (pointing to a map of the Mall area) of the Mall from here (3rd St. NW), here, and going all the way through down to here (Potomac River and Lincoln Memorial).

Mr. FISH. Right. That is considered to be the Mall.

Mr. YATES. I take it there will be no additional construction on the grounds surrounding the Reflecting Pool? Is that correct?

Mr. DICKENSON. We contemplate no construction in that immediate area.

Mr. YATES. Do you have any plans for it?

Mr. DICKENSON. No, sir.

#### WASHINGTON MONUMENT GROUNDS

Mr. YATES. Do you have any plans for construction on the Washington Monument grounds?

Mr. DICKENSON. We have plans to replace the existing building which has been in place for these many years, Mr. Chairman. At this spot here is an existing old building which serves as a food service and curio store. We want to take this out of this sight line. The best location we think is probably some location off of the center axis.

Mr. YATES. Is there any place where people who are visiting the Washington Monument may obtain refreshments close by, other than in the existing GSI building or the one contemplated?

Mr. DICKENSON. No. That is the closest location.

Mr. RATCHFORD. Would the chairman yield on that for me?

Mr. YATES. Sure.

EATING FACILITIES ON THE MALL—NPS

Mr. RATCHFORD. Could the gentleman indicate where there are currently restaurant services?

Mr. YATES. Right. That was to be the next question.

Mr. DICKENSON. National Park Service.

Mr. YATES. Well, all the restaurants.

Mr. DICKENSON. I think we would defer to the Smithsonian and let them describe theirs. I will describe the National Park Service's.

Mr. YATES. Okay.

Mr. RATCHFORD. The question I have relates to whether or not we are being called upon to build something that would compete with existing services.

Mr. DICKENSON. I understand. There is an existing food service facility near the Lincoln Memorial, which serves that area. There is a kiosk operation within Constitution Gardens, a food service, curio store on this location on the Washington Monument grounds. There are two kiosk operations on the Mall itself, terribly inadequate, long lines.

Mr. YATES. Where are they?

Mr. DICKENSON. One location is right adjacent to the History and Technology building. The other is across from the Museum of Natural—

Mr. YATES. Where would those kiosks be?

Mr. DICKENSON. Adjacent to what I believe is—is that Madison?

Mr. FISH. Yes, Russ. Actually, there are four, if I may. Those two you mentioned and one across the Mall at the Castle and one across on the south side of the Mall at the Air and Space Museum also.

Mr. DICKENSON. This area here.

Mr. FISH. It is contemplated, Mr. Chairman, that two of those would be removed with the construction of the restaurant.

Mr. YATES. Can we put something up there, either an X or some kind of—if it isn't defacing the plan, to indicate where your restaurants are, so we can ask you how many people they serve.

Mr. FISH. One here.

Mr. YATES. Okay.

Mr. FISH. One right here by the lake in Constitution Gardens. There is one on the axis in an old building here. Excuse me.

Mr. YATES. Go ahead.

Mr. FISH. Yes. There is one over here. There is another one in here, by the Castle; in here.

Mr. YATES. The last is where? When you say "here"—

Mr. FISH. Excuse me. In front of the Air and Space Museum here.

Mr. YATES. It would be in back of it, wouldn't it?

Mr. FISH. Sixth and Jefferson.

Mr. RATCHFORD. Which of the facilities also have inside restaurants?

Mr. FISH. Sit-down service?

Mr. RATCHFORD. Yes.

Mr. YATES. Yes.

Mr. FISH. None.

Mr. YATES. Oh, wait a minute.

Mr. BROWN. The Park Service.

Mr. DICKENSON. Talking about the Park Service.

Mr. YATES. These are just outside.

Mr. FISH. If it is to be constructed, Mr. Chairman, here, then this would be eliminated and this would be eliminated.

Mr. YATES. When you say "this," which do you mean? The one in front of—

Mr. FISH. Yes, at Thirteenth and Jefferson.

Mr. YATES. Where is the other located?

Mr. FISH. By the Castle here, between Tenth and Jefferson.

Mr. YATES. Okay.

Mr. RATCHFORD. The National Gallery and Smithsonian also have indoor sit-down services.

Mr. FISH. Yes, they do.

Mr. RATCHFORD. Do other buildings have that also?

Mr. FISH. Practically every museum, but of course, Secretary Ripley—

Mr. YATES. Yes, Mr. Ripley will testify about that.

Mr. RATCHFORD. Thank you.

Mr. YATES. That is all the Park Service concessionaire has by way of restaurants to serve the people?

Mr. FISH. Yes.

Mr. YATES. Have you any idea as to how many people the restaurants of GSI that you have described serve?

Mr. FISH. I don't think they—

Mr. YATES. They can't keep track of them because they are transients who come up and get a hot dog or hamburger.

Mr. FISH. It is a hot dog, Coke, sandwich package.

Mr. YATES. Yes, that type of refreshment. So the Mall is protected from future encroachments. It is built up except for that one area at Third Street, right?

Mr. FISH. Yes.

Mr. YATES. That is right.

Mr. Ripley?

#### UNDERGROUND MALL PARKING

Mr. RIPLEY. If I could add a footnote.

Mr. YATES. You can not only do that, you can speak directly. It is your turn.

Mr. RIPLEY. Since the sixties when George Hartzog was head of the Park Service, at that time during the Johnson Administration, we have continually planned, and the Smithsonian has volunteered its own private funds to finance a number of surveys of parking facilities which would be subterranean, underground, in the Mall. As the Mall plan evolved and two of the former streets, for example, were taken away from public park use and converted into gravel walkways, often now I may say very damp to the feet, but in any case, enhancing the vista of the Mall itself, the pressure increased enormously. It was thought by the Park Service itself, I think, that a lot of relief would come, both from the Metro station

system—there is a Metro station on the Mall—and also from the use of these buses, these tour buses.

The fact remains that the traffic is still around, so the pressure is still very intense. As recently as the time when Mr. Johnson was Chairman of the Public Works and Grounds Subcommittee here, we received some encouragement for this plan. We called for something in the neighborhood—I remember George Hartzog talking—I think roughly we would admit to a maximum of about 9,000 cars could be placed underground, unviewed from the surface. This would preserve the integrity of the surface and would be very effective.

Of course, over the years the amount of excavation and planning has always increased with inflation. The fact of the matter is that we have never found that the figures added up to being able to amortize this if it was done through some sort of financing, bond issue or various other strategies; that we could never quite pay for it because except in peak times in the summer, the thought had remained that the facility would not be fully occupied. However, the pressure remains and there is a rather frantic search for parking spaces.

Would you like me to talk about our services?

Mr. YATES. Yes, I would.

Mr. RIPLEY. In 1964—

Mr. YATES. May I ask a question before you start?

Mr. RIPLEY. Yes.

Mr. YATES. If you have such a shortage of parking, why did you eliminate the levels of parking in the Quad?

Mr. RIPLEY. Because it was small to begin with. It was only something like 250 to 300 cars. When we thought of going below, the price increase would be astronomical. We were worried about sacrificing not only the amount of space at the lowest level but also the turnaround areas sort of like a giant corkscrew that will be required to have cars go down below. Space just seemed too low and too inefficient.

Mr. YATES. Too expensive?

Mr. RIPLEY. Too expensive.

Mr. YATES. Yes.

#### EATING FACILITIES—SMITHSONIAN

Mr. RIPLEY. The History and Technology Museum was opened in 1964, and provided for a cafeteria service. We had a concessionaire in the beginning. We rented out. There was then a cafeteria service of what you might describe as fast food. That is something that would turn over people as fast as possible. They were inside the building and could be warm. But the idea was not to have any particular quality food, I am sorry to say, but rather, fast food. There is a distinction. And so that was quite successful in the beginning. The problem was that the increase in visitation inexorably tended to make the efficiency of the service decline.

Mr. YATES. May I stop you there and supplement what you have said. I understand with respect to the Museum of American History, food service there now is provided for breakfast from ten to one; lunch from 11:00 a.m., to 3:30; and for dinner, from 4:30 to 7:30.

Mr. RIPLEY. That is right.

Mr. YATES. In addition, there is an ice cream parlor from 11:00 a.m. to 7:00 p.m.

Mr. RIPLEY. Right.

Mr. YATES. That is provided by the Museum of American History.

Mr. RIPLEY. That exists under concession.

Mr. YATES. To what concessionaire?

Mr. RIPLEY. We have a concessionaire at the moment, the Marriott Corporation.

Mr. YATES. Okay. Are those—the museum is only open at 5:30 during certain parts of the year.

Mr. RIPLEY. That is right; evening hours.

Mr. YATES. I take it that during the time when the museum's hours are restricted, the service in the restaurant is restricted?

Mr. RIPLEY. That is right. It doesn't exist.

Mr. YATES. It doesn't exist?

Mr. RIPLEY. It is closed.

Mr. YATES. Yes. Well, it is closed. Does it close when the restaurant closes or—

Mr. RIPLEY. It closes when the museum is closed.

Mr. YATES. Perhaps I can put it another way. Is the service provided at such time as the museums are open?

Mr. RIPLEY. Within those scale of hours, depending on shifts.

Mr. YATES. Yes.

Mr. RIPLEY. Service facilities.

Mr. YATES. Yes.

Mr. RIPLEY. As I think I hinted, shall we say, the service is fast food quality. Therefore, we think not really good, not really good enough quality for the visitors.

Mr. YATES. The question comes to my mind, then, why do you provide it? Why don't you give them good food?

Mr. RIPLEY. It is needed. Something is needed. There is always a desire for eating something, the pangs of hunger overtake the visitor and they go out to Pennsylvania Avenue to another fast food facility.

Mr. YATES. Okay.

Mr. RATCHFORD. Glad you asked that one.

Mr. YATES. I still don't know. In other words, I take it you wouldn't eat there?

Mr. RIPLEY. I have in sheer desperation; not very often.

Mr. YATES. But the point is you know there is so much quality about the Smithsonian, it seems a shame that you have to attach an unsatisfactory fast food service to any Smithsonian Institution.

Mr. RIPLEY. Thank you, Mr. Chairman.

I think that at least is partly what motivated us to bring up the subject last summer.

Mr. YATES. You mean over at Air and Space?

Mr. RIPLEY. Throughout the entire apparatus which I am about to describe.

Mr. YATES. Good. Does that mean that you are revising all of your restaurant structures and services?

Mr. RIPLEY. We plan to, yes.

Mr. YATES. I wasn't aware of that.

Mr. RIPLEY. We feel it is rather desperate. The public demand has increased to the point where we are totally unable to satisfy the demand, or the quality of the demand.

Mr. YATES. Do you propose to get new concessionaires?

Mr. RIPLEY. We propose to put it out for bid. We have testimony describing exactly what we have done since last summer.

Mr. YATES. This operation is entirely from the so-called trust operation of the Smithsonian, isn't it?

Mr. RIPLEY. Entirely private, yes.

Mr. YATES. You won't ask us, the Congress, for any money at all?

Mr. RIPLEY. We are not asking the Congress for any money.

Mr. YATES. All right.

Mr. RIPLEY. We are reviewing with you what we would like to do.

Mr. YATES. Well, that is very kind of you.

Mr. RIPLEY. Much appreciated opportunity for us.

Mr. YATES. Okay.

Mr. RIPLEY. The second attempt was in the Museum of Natural History which began in 1918 and had no facilities for food. When I worked here in 1942, like everybody else, I either brown-bagged it, as the phrase goes, or went across to one of these monolithic buildings across the street, Labor or Justice, where I had to wait in a cafeteria line for some kale, peas and a piece of thing that was described as meat, swimming in hot water. And nothing has changed very much since then, unless the Secretary asked you to his private dining room, which unfortunately was not one of the facilities available to me.

The next building, of course, is the National Gallery which started with Guest Services food—how does it go? GSI, in the late thirties, I think, or the early forties, just around the beginning of the war, and which had a very successful operation in the old building now, renovated extensively and beautifully in the underground connector, I think you all know about that. Where am I? I have lost track; that is Agriculture. The Freer has no services. In the Castle, there were no services except for the staff. There still are none except for the little chapel at the end of the building on the west which is available for staff and Associates in what is called the Commons for lunch.

I stopped talking about what the Natural History Museum did in the 1970s when they covered over one of these interior courtyards. This was all described and executed, described before your committee and executed in the seventies in time for the Bicentennial and consists of an Associates' court and public restaurant, sit-down, inside.

Again, not the best food, but slightly better than the so-called fast food. Again, the Marriott Corporation.

#### EATING FACILITIES—SMITHSONIAN

When we built the Hirshhorn here, we instituted something rather European, perhaps; outdoor dining under the donut here in the summer. Again, a Marriott, small concession; very limited. Just a sort of open food bar, where daily choices of sandwiches, cole slaw and things that might be accessible.

The original plan was to have a restaurant next to the Hirshhorn Sculpture Garden underground, but the money was not sufficient to be able to do it at that time in the late sixties.

The Air and Space Museum opened in 1976. Estimated annual visitation would have been no more than three million, perhaps three million and a half at that time. Again, we adhered strictly to the budget that was accessible and had been authorized in Mr. Kirwan's time of some \$40 million. We opened just ahead of schedule and under budget. There are areas around the building which were uninhabited. Time after time I have seen people staggering across the wastes of the Mall thinking they were home free, coming up on to this vacant terrace and having to turn around and go back again because there is really nothing there.

We never were able to develop plans for that. The only food facility is on the third floor at this east end of this building, serviced by two very slow elevators. At times the line of people waiting is nearly five thousand to get up to a small—

Mr. YATES. The line?

Mr. DICKENSON. Yes.

Mr. RIPLEY. The line. You know, all the way around, waiting to get up to a fast food service which is already totally outmoded, sloppy. Occasional sort of squishy—what do you call those—Frosties and things on the floor, et cetera. It is really terrible.

#### NEW NATIONAL AIR AND SPACE MUSEUM (NASM) RESTAURANT

So, by this summer, we became fed to the teeth with irritation, not good food. And we decided we would try to see if there was some way we could utilize this vacant terrace by throwing an extension up. So that is really where we stand now. We have appeared with plans before the Fine Arts and National Capital Planning Commissions. We have plans here to show you, if you would like to see them. And we have hopes that among the bids which are being formulated by concessionaires, we appealed across the board to some 40 firms that do this kind of thing, would produce quality food of different types. Cafeteria style, sit-down style. This is that great desert-like place I described to you.

[COMMITTEE NOTE: The committee was told after the hearing that the NASM cafeteria-line was five hundred, not five thousand.]

Mr. YATES. I didn't know it was that large.

Mr. RIPLEY. It is surprisingly large. So we hope that we will have a good arrangement inevitably in which we will be able to provide cafeteria style for up to 800 people at a time. Hours from breakfast, oh, because we can have access outside of the museum when it is closed. And then a sit-down restaurant for 200, approximately. And an additional facility upstairs for those people who want to linger over their food and hopefully the whole thing will be quality.

Mr. YATES. What is the connection between that proposed restaurant and the interior?

Mr. RIPLEY. When the building is open, you can walk straight out past that little moon landing craft which is presently at the east end of the Space Gallery here. You can walk straight out into this pavilion.

Mr. YATES. Are you going to continue the Frosty operation in addition to that?

Mr. RIPLEY. Frosty? What is that?

Mr. YATES. You said you have got Frosties upstairs and you were skidding on them.

Mr. RIPLEY. I am sorry. I missed the word. Shakes. I was trying to think of the word. It is a soft shake or something like that.

Mr. YATES. I have not had the pleasure of eating in your restaurant.

Mr. RIPLEY. It is like a milk shake.

Mr. YATES. Dairy rich.

Mr. RIPLEY. Yes. We would continue that, for that is a more, a smaller place. But it is very, very beautiful, the view out over the Mall. We would like to have that for a more leisurely—perhaps the word is overused. Shall I say gracious dining.

Mr. YATES. Which would be more leisurely or gracious?

Mr. RIPLEY. The third floor.

Mr. YATES. Third floor?

Mr. RIPLEY. You go up by slow elevator so you begin to feel gracious as you get to the top.

Mr. YATES. You would not have the fast food operation there anymore?

Mr. RIPLEY. No. Thank God. We would get rid of the outmoded fast food.

Mr. YATES. How do you take care of your 5,000 people in line?

[COMMITTEE NOTE: The Committee was subsequently told that the line was only 500, not 5,000.]

Mr. RIPLEY. Because the restaurant on the ground floor could service at any time 800 cafeteria style and 200 sit-down, slightly more leisurely. If you have a capacity of that, in contrast to, what is it now upstairs? Two to four hundred. You can see you would eliminate it. It would just disappear.

Mr. YATES. You have 200 sit-down and 800 self service?

Mr. RIPLEY. Cafeteria style.

Mr. YATES. How do you take care of your 5,000 people then?

[COMMITTEE NOTE: The Committee was subsequently told that the line was only 500, not 5,000.]

Mr. RIPLEY. Because they melt away. The service would be rapid enough that you would never have that kind of line. It is merely a turnover problem. With the rather messy food service, I think apparently adhering—

Mr. YATES. You are now providing a food service, are you not?

Mr. RIPLEY. Concession. The last year and a half we tried it ourselves. We came up with figures that indicated it was not efficient in terms of the costs.

Mr. YATES. Okay.

Mr. HUGHES. It might be worthwhile to note, Mr. Chairman—in the summer there would be additional seating on the terrace, so that the seating could be expanded, particularly in the busy season.

Mr. YATES. That is expanding the 200 portion.

Mr. HUGHES. No. In addition to the 800 and 200, there would be an additional—

Mr. RIPLEY. Even the cafeteria type can sit down. It is merely that they are self-service. The tendency with someone who is sit-

ting down in the cafeteria is to be there less time than someone who is waited on at a more leisurely pace.

#### NATIONAL GALLERY RESTAURANTS

Mr. YATES. How many people does the National Gallery serve?

Mr. BROWN. Last year, it was 1,171,269.

Mr. YATES. You have long lines, too?

Mr. BROWN. We do at peak seasons. It is extraordinary. Our experience has continuously surprised us. We started in the west building cafeteria that Dillon Ripley referred to, with 194 seats for the public. When we opened the east building, actually it opened slightly before the east building, the new concourse area provided 726 seats. I was a little nervous that we wouldn't be filling them very much, but on the contrary, even with that, plus upstairs in the east building, the Terrace Cafe, which brings us up to 838 seats, we were undergoing these long lines.

So we made a decision to institute yet another facility in the West Building, in the so-called Garden Cafe, which is now the only place in the West Building that you can sit down and eat. There are several blocks to traverse there, and people don't seem to go very far if there is someplace near. That has been a great success. That brings us up now to 952 seats.

Mr. YATES. What is the quality of your food?

Mr. BROWN. Well, we try to monitor it and make it just as good as we can. We have had our ups and downs, but I am quite pleased with it. More recently, there has been a new management at GSI. Since they took over, we have found marked improvement. We have different levels. Some is cafeteria style and some is waitress service. But we have found good public response.

Mr. YATES. Do you operate at a profit?

Mr. BROWN. Slight profit, yes.

Mr. YATES. Then I take it this restaurant of yours is needed. Will the Quad have a restaurant for the public?

Mr. RIPLEY. Two tiny places, little niche-like places tucked inside and warm.

Mr. YATES. Will you be building a restaurant later?

Mr. RIPLEY. We don't have any plans for it at the present time.

Mr. YATES. Would you have the space for it? You wouldn't really because you would be underground.

Mr. RIPLEY. It would be rather crowded.

Mr. YATES. Yes.

Mr. RIPLEY. Because the garden is the only alternative. I can give you some figures, Mr. Chairman, if you like, of the number of people we are trying to accommodate.

Mr. YATES. When I talked to Sam Hughes, he told me that you hoped to make your glass restaurant, glass-enclosed restaurant, a four-star restaurant.

Mr. HUGHES. No, sir.

Mr. YATES. Did I misunderstand you?

Mr. HUGHES. Yes. The so-called four-star restaurant is the one that the Secretary referred to on the third floor.

Mr. YATES. I see.

Mr. HUGHES. A conversion of the existing facility, which is inadequate for its present purpose.

Mr. YATES. I see. I knew there was a four-star restaurant somewhere in this.

Mr. HUGHES. Four stars are an objective.

Mr. YATES. Are an objective. How old are you, Sam? I know you are not as old as I. I don't expect to see that. Do you?

#### NATIONAL CAPITAL PLANNING COMMISSION

Mr. YATES. Mr. Urquhart, how does your organization become aware of the proposed construction someone wants to make on or adjacent to the Mall?

Mr. URQUHART. Largely, Mr. Chairman, by presentation to us for eventual conceptual plan approval.

Mr. YATES. I take it your approval is required for construction on or adjacent to the Mall?

Mr. URQUHART. Yes.

Mr. YATES. Okay. Is that true of the Fine Arts Commission as well?

Mr. BROWN. Yes. We, by congressional mandate for this particular area, under the Shipstead-Luce Act in the 1930s. The boundaries are drawn to include the Mall. They are more than that, but the monumental core is the focus. Under the terms of that legislation, construction has to come before the Fine Arts Commission for review.

Mr. YATES. Did you have the same procedure for review of on-Mall developments as for off-Mall?

Mr. URQUHART. The same procedures?

Mr. YATES. Yes. The same requirements, the same procedural—

Mr. URQUHART. Our staff would go through the same process or greater.

Mr. YATES. Same requirements and same hearing structure?

Mr. URQUHART. Yes.

Mr. YATES. And approval?

Mr. URQUHART. Although there are off-Mall developments where we are advisory.

#### MALL DEVELOPMENT PLAN

Mr. YATES. Is there a five-year plan for the Mall, or any kind of future plan that either Fine Arts or National Capital has?

Mr. BROWN. There haven't been any great material changes to the plan that has been approved, that has been submitted to the Fine Arts Commission anyway.

Mr. FISH. Mr. Chairman, if I may.

Mr. YATES. Mr. Fish?

Mr. FISH. This is the Skidmore-Owings & Merrill study.

Mr. YATES. 1976 study?

Mr. FISH. Yes, sir. It was done in 1973 for 1976, sort of in preparation for the Bicentennial. The plan in here is what you see on the wall over there. It is an update of the 1966 Mall Master Plan, done by Skidmore, Owings & Merrill. So this was an update here.

Mr. URQUHART. Mr. Chairman, NCPC also normally gets a five-year capital improvements plan. I understand both organizations were not able to get their proposed plans into the five-year capital improvement plan.

Mr. YATES. Has the Fine Arts Commission approved your 1976 plan?

Mr. FISH. Yes, sir.

Mr. BROWN. Conceptually, with the understanding that any specific projects would have to come before it for specific review.

Mr. FISH. There was a separate plan for Constitution Gardens, for example, which went through the two Commissions. There would have been a separate plan for the removal of Washington and Adams Drives and the replacement by the gravel walks, Mr. Chairman, as shown in this photograph here.

Mr. YATES. That is a very handsome view. This view is not proposed to be changed, is it, except that the glass restaurant is proposed to be built where my finger is pointing, on the side of the Air and Space Building; is that correct?

Mr. RIPLEY. It won't really be visible, Mr. Chairman, because of the height of the trees that surround them?

Mr. YATES. How high will your glass structure be?

Mr. RIPLEY. Highest point I don't think is more than about 24 or 25 feet. Twenty-eight feet.

[COMMITTEE NOTE: The Committee was later told the facility would be thirty-eight feet high.]

Mr. YATES. Really. Just one story?

Mr. RIPLEY. Yes. It is surprising how inconspicuous it is, either from the street, or from the vista, because of the trees.

Mr. YATES. Yes. These trees on both sides of the center part of the Mall were planted in accordance with the Olmsted proposals, weren't they?

Mr. RIPLEY. Yes. They are elms essentially.

Mr. BROWN. Put in in the 1930s, however.

Mr. FISH. Right. It was an update, change from the Andrew Downing plan from the mid-19th century. The McMillan Commission reinforced that L'Enfant plan. Then the trees were put in.

Mr. YATES. So there is nothing the Congress need worry about changing the appearance of the Mall for the near future?

Mr. FISH. No, sir.

#### NPS FACILITY

Mr. YATES. What about the GSI structure near the skating rink? Will that change the appearance?

Mr. FISH. Oh, yes, sir. In effect, Mr. Chairman, what you see in the photo of the structure that is out there now, would be taken off and the new facility, in effect—

Mr. YATES. Do you have plans for the new facility?

Mr. FISH. Yes, sir; have had for quite a long time.

Mr. YATES. Have they been approved?

Mr. FISH. Yes, sir. As Mr. Brown indicated earlier, they have been approved, reviewed and approved.

Mr. YATES. Oh, this is the new, the SOM proposal with the lacey outline?

Mr. FISH. Yes, sir.

Mr. YATES. Is that just the periphery of the rink, or the restaurant?

Mr. FISH. That is the restaurant, Mr. Chairman.

Mr. YATES. All I saw was an outline.

Mr. BROWN. You saw it in plan. We also indicated in elevation what it might look like.

Mr. YATES. Where is the skating rink?

Mr. BROWN. Out in front here.

Mr. YATES. I see.

Mr. BROWN. So if you look out endwise, you would get the narrow profile and the skating rink would be here in a double ring of trees.

Mr. YATES. You are going back to art nouveau-type of architecture?

Mr. BROWN. The concept was to try to make it as little a presence as possible.

Mr. YATES. Did you precede Phillip Johnson's return to Chippendale?

Mr. BROWN. Yes.

#### FINANCING OF RESTAURANTS

Mr. YATES. Let us find out whether the government is liable for any of these restaurants being built. Will the government be liable in any way for any of the construction of these restaurants?

Mr. DICKENSON. The one we are talking about is proposed as a concessionaire, capital investment of approximately \$1.9 million, and there would not be any liability or obligation on the part of the Park Service.

Mr. YATES. What quality restaurant is this going to be? Fast food?

Mr. DICKENSON. Primarily, but also an opportunity for a different kind of food service as well, depending upon the time of year. The obvious pressure, however, as the Secretary has indicated, masses and hordes of people wanting fast food service on site. And in order to meet that demand it is going to take the best efforts of all of us. We still probably will not be able to meet it, because the Mall is the focal point of everyone's visit to Washington.

Mr. YATES. Have there been any complaints about GSI's operations?

Mr. DICKENSON. I don't believe, other than the lines. There are no complaints that I am aware of about the quality.

Mr. YATES. Do you control prices? Do you permit them to charge whatever they want?

Mr. DICKENSON. No, sir. The prices are rigidly controlled and comparable to all other kind of commercial sales of like character.

Mr. YATES. Okay. What happens if you decide that GSI's operations aren't up to the standards you expect? Do you terminate the contract?

Mr. DICKENSON. We can do so.

Mr. FISH. We would, yes.

Mr. YATES. What would the liability of the government be in such instance?

Mr. DICKENSON. The liability would be to find a new operator. Since the service would be unsatisfactory, there being no possessory—

Mr. YATES. But they are advancing \$1.9 million to build the restaurant and you find them unsatisfactory, do you have to pay them their money back?

Mr. DICKENSON. Not necessarily, sir.

Mr. YATES. Do you have a contract?

Mr. DICKENSON. We have a contract that spells out clearly the conditions, yes, sir.

Mr. FISH. The difference in this contract, Mr. Chairman, is that the contract does allow for possessory interest. However, this would be looked at as building onto a government facility. In other words, the Congress gave us the money for the basement. So there would have to be a determination made as to whether or not the concessionaire would have that possessory interest in this facility.

Mr. YATES. Isn't that taken care of in your contract?

Mr. FISH. It is a judgment call as I understand it, Mr. Chairman, as to whether it could be possessory interest which would allow for fair market value, or not.

Mr. YATES. What can you tell the committee, though? What is the liability of the government? Apparently you haven't spelled it out yet, potential liability of the government.

Mr. DICKENSON. Mr. Chairman, when you have an unsatisfactory performance and where the concessionaire is terminated for cause, the general rule is that no value remains beyond just simply the undepreciated book value of the facility. Obviously, you cannot just terminate this relationship with a contractor without having some kind of payment. So the question is how much. That has to be determined by circumstances.

#### GERMAN-AMERICAN FRIENDSHIP GARDEN

Mr. YATES. What is the commitment of the Park Service to the Washington Monument grounds design concept, 1982?

Mr. DICKENSON. We are fully committed to that, Mr. Chairman.

Mr. YATES. What is the authority of the Park Service to permit the Presidential Commission for the German-American Tricentennial to establish a German-American Friendship Garden on the Washington Monument grounds? How did you happen to approve it?

Mr. DICKENSON. We haven't reached a final determination on approval of that.

Mr. YATES. I thought you had.

Mr. DICKENSON. No, sir. There has been a conceptual—

Mr. YATES. Didn't I read in the paper it had been dedicated?

Mr. DICKENSON. The concept has been dedicated, Mr. Chairman, but there is no agreed upon facility yet there.

Mr. YATES. Who authorizes that kind of approval? If you may authorize a German-American Friendship Garden, may you go through every country in the world and authorize friendship gardens as various places on the Mall?

Mr. DICKENSON. Well, I think we would utilize a great deal of discretion, Mr. Chairman.

Mr. YATES. Well, but that is the question. Whether you use discretion, or whether you kind of cave in to pressure occasionally.

Mr. DICKENSON. This is not the same as the erection of a permanent monument or memorial, Mr. Chairman. It is a landscape amenity, which constitutes living flowers, changing with the seasons.

Mr. YATES. That is why we asked you the question, Mr. Dickenson. We look at your 1982 plan of the design concept for the Washington grounds. We find no mention of anything like a German-American Friendship Garden.

Mr. DICKENSON. If you will look at the entrance to 16th Street Extended, Mr. Chairman, you will see some design features, which are what we really originally were talking about.

Mr. YATES. Is this "to correct the borderless appearance of the monument grounds and to heighten the significance of entering the site" described in the 1982 design concept, the design feature you mention?

Mr. DICKENSON. Yes, sir, this is the area in which we were originally talking to the Tricentennial Commission about. Since that time the Commission has visualized a different kind of amenity. So we have not reached agreement on that.

Mr. YATES. Does this mean that you don't have a German-American Garden yet?

Mr. DICKENSON. We sincerely hope so, but we have not fully agreed upon the details, Mr. Chairman.

Mr. YATES. But you are going to have a garden?

Mr. DICKENSON. We certainly are going to have a garden, yes, sir.

Mr. YATES. And it is going to be where you would set it aside for the Tricentennial Commission?

Mr. DICKENSON. Some sort of amenity as we see it now.

Mr. YATES. What about Franco- or British-American Friendship Gardens?

Mr. DICKENSON. If they would come forward, we would entertain that.

Mr. YATES. Where would you put them?

Mr. DICKENSON. I don't know, sir. That would remain to be seen.

Mr. YATES. That is something I think we have to consider.

Is this something—did you get congressional approval for this German-American Garden?

Mr. DICKENSON. No, sir.

Mr. YATES. Why didn't you get congressional approval for it?

Mr. FISH. It is a congressionally authorized commission, Mr. Chairman. They came to us and were interested in putting in a commemorative garden for the Tricentennial. We went out with them, staff, and showed them a number of sites around town. This was not one of them. They liked this. Their first approach indicated, as Mr. Dickenson just mentioned, a much smaller garden. We have looked at that. The Commissions have looked at that. The Commissions felt that it, perhaps was not appropriate the way it was initially thought of. And that it might be better designed as a border element along Constitution Avenue from 15th Street to 17th Street. Since it got that large, we have written back to the Commission and indicated this is much bigger than we had contemplated, that we don't feel that we could handle this with our operational

budget, and would they be amenable to setting up an endowment to pay for the maintenance of this garden.

So we are still in that stage of discussions with them.

Mr. YATES. I think it is something that ought to be passed on as to what extent you are going to be putting friendship gardens in. I have seen suggestions made that you ought to have an Avenue of the States, or some kind of a structure commemorating the fact that the country is made up of States on and around the Monument grounds. I am sure you have had that, too?

Mr. FISH. Yes, sir.

Mr. YATES. Are you going ahead with that, too?

Mr. DICKENSON. No.

Mr. FISH. No, sir. What we try to do is, when a group comes in, to have them get legislation.

Mr. YATES. Did they get legislation?

Mr. FISH. No, sir, they did not on this particular one. It was, as Mr. Dickenson indicated, really a landscape amenity that would fit in with the overall conceptual plan. But for a statue, a memorial, the Vietnam or any of them—

Mr. YATES. Vietnam was congressionally approved.

Mr. FISH. And that is the normal process for any of them.

Mr. YATES. Well, if it is a normal process, why did you approve this one? I would think you would want to follow the normal process. You are going to be subjected to enormous pressures by groups if this is approved. You are establishing a precedent. Groups from all over the country are going to ask to be a part of this beautiful Monument and Mall ground we have. That is one of the reasons we are holding the hearing, to find out how do people get onto these grounds or how do groups get onto the grounds.

Mr. DICKENSON. Not to certainly be argumentative but just to illustrate that I believe management needs to have the flexibility, when you are dealing with essentially floral displays, from year to year you may decide to change the nature, the kind or location of those things. What we are really talking about here in terms—

Mr. YATES. Just a floral display?

Mr. DICKENSON. A landscape amenity.

Mr. YATES. I predict you are going to get lots of requests for floral displays for Franco-Americans, Italo-Americans, Greek-Americans, and every kind—

Mr. DICKENSON. Mr. Chairman, each year we have dozens and dozens of trees donated which we plant at various locations. These things we handle very much in stride, being faithful, however, to the overall concept and mindful of the fact that we have a Fine Arts Commission and NCPC to deal with.

#### AIR AND SPACE RESTAURANT FINANCING

Mr. YATES. Okay. How much is the Air and Space Museum restaurant going to cost?

Mr. RIPLEY. We haven't really got firm figures on that.

Mr. YATES. Mr. Jameson holds his hand up.

Mr. RIPLEY. We have an estimate in the neighborhood of \$11.9 million. That is an estimate.

Mr. YATES. This construction facility does not require legislative approval, or does it?

Mr. RIPLEY. It doesn't.

Mr. YATES. Can you tell us why?

Mr. RIPLEY. It is an integral part of the building which is already authorized and constructed. It is to take place on top of a vacant terrace. I do not believe it requires further authorization. There are no appropriations involved.

Mr. YATES. No appropriations involved. What happens if—

Mr. RIPLEY. We go to the Commission, Mr. Chairman, as has already been described.

Mr. YATES. Yes.

Mr. RIPLEY. They have approved the provisional plans.

Mr. YATES. Will construction of this restaurant affect the concessionaires operating for the Park Service, or the National Art Gallery, affect their business so that their operations may be in jeopardy?

Mr. RIPLEY. Would you like me to speak to that?

Mr. YATES. Yes.

Mr. RIPLEY. We would like to cooperate in this. We have made a general survey of the occupancy of all the museums and spaces around the area. We believe that each person in a museum at any one time tends when the moment comes to feel hungry to go to that nearest food facility in that building. And that that is as simple as mud. That is the way it is. That happens every day.

Mr. YATES. Okay. So the answer to my question is no.

Mr. RIPLEY. No.

Mr. YATES. Now, last, in 1982, the Smithsonian Institution had a sales volume of \$9 million, as I recall. Do you make a profit on that?

Mr. RIPLEY. Last year in fiscal year 1983 the Smithsonian received about \$889,000 in commissions from food service concessionaires. From its own food service, which we have now discontinued, we received an additional \$138,000. These figures fluctuate, obviously, from year to year. We have no intention of trying to extract the last dollar, shall we say, out of any operation for ourselves. What we would like to do is develop a plan where we are producing maximum quality food and absorbing the difference if it is going to be less in terms of any profits.

Mr. YATES. Has this operation been approved by the Regents, this proposal?

Mr. RIPLEY. This operation?

Mr. YATES. This operation, meaning the construction of the restaurant. According to your written material—

Mr. RIPLEY. Yes.

Mr. YATES. The Smithsonian Regents' newsletter indicates proposals would be discussed with the Regents.

Mr. RIPLEY. Yes, they have been.

Mr. YATES. When they met on January 23rd.

Mr. RIPLEY. Yes. And I think they asked for more figures for the May meeting.

Mr. YATES. Then they haven't approved it yet, have they?

Mr. RIPLEY. The vote is as follows: they support in principle the plans for construction of the restaurant addition, and they author-

ized myself to pursue the construction with the Regents planning for final review in January, 1984. In January, 1984, we continued the discussion on the basis that we were letting out the bids, and that we would have more information by March, and therefore we would submit the final plans in a package for the May meeting. Is that right?

Mr. HUGHES. Yes, sir.

Mr. YATES. So your Regents still haven't approved it?

Mr. HUGHES. They have approved the concept. They wish to see the figures.

Mr. YATES. The figures.

Mr. HUGHES. Final plans when finished.

Mr. RIPLEY. Final plans will be ready in May because we have taken it to bids. We will have arrived at that point in March.

#### FINANCING OF NASM RESTAURANT

Mr. YATES. Are you going to finance any portion of these facilities?

Mr. RIPLEY. No.

Mr. YATES. The concessionaire will undertake the entire financial responsibility?

Mr. RIPLEY. Under contractual arrangements, the concessionaire will undertake the construction—operation.

Mr. YATES. On page I-3 of your Solicitation for Proposal to Pre-qualified Firms you say under certain arrangements the Smithsonian Institution may consider financing a portion of the facilities.

Mr. RIPLEY. Yes, that would be amortizable, as it were.

Mr. YATES. Yes. But what does that mean?

Mr. RIPLEY. Well, it depends on the kind and quality of these plans, and these proposals, which are still under consideration.

Mr. YATES. I still don't know what that means. Does this mean that the Smithsonian would undertake some obligations in connection with this operation?

Mr. RIPLEY. No.

Mr. YATES. What do you mean by the financing of this, then?

Mr. RIPLEY. Financing could come from outside, from the concessionaire.

Mr. YATES. Would that mean that you would guarantee, the Smithsonian might guarantee the construction, or a portion thereof, in order to help the concessionaire.

Mr. RIPLEY. I would doubt we would do so.

Mr. YATES. I don't understand what the phrase means when you say "may consider financing."

Mr. RIPLEY. Let me ask Mr. Jameson or Mr. Hughes to tell you.

Mr. JAMESON. Mr. Chairman, the understanding we have had with the Board of Regents and Congress is that the concessionaire would fully front-end finance the facility currently estimated at approximately \$12 million. We saw no harm when we sent out the request for proposal to 12 of the 14 firms that expressed very strong interest, all of whom indicated that they would provide financing, and almost all of them provided that they have the capability of providing full financing, to put that phrase in. Simply to see what suggestions might come back in terms of their final pro-

posals which we expect on the 15th of March in terms of range of financing options, in terms of return of income to the Institution.

There is no basic change at this point to the original understanding we have had with yourself and the Regents. If one or more of these concessionaires come back and say, "You have told us that you want full financing, but what would you think about this proposal?" I think we would look at that proposal very hard, go back to the Board of Regents, come back to the committee.

Mr. YATES. That is what I am asking you, Mr. Jameson. What could this proposal be? You mean putting up a portion of the Smithsonian funds together with the concessionaire.

Mr. JAMESON. That could be within the realm of possibility that they would suggest that. But so far the prospective bidders have been told, provide full financing for this. We did not wish to disclose a suggestion that they might wish to make back to us.

#### GOVERNMENT LIABILITY IF CONCESSIONAIRE IS TERMINATED

Mr. YATES. Would the Smithsonian be liable in any respect for the operation of the restaurant?

Mr. RIPLEY. No, it is entirely the concessionaire's responsibility.

Mr. YATES. Would the concessionaire put up bonds, is that how you protect yourself?

Mr. JAMESON. Yes.

Mr. RIPLEY. We have the right to terminate the contract, if the performance is unsatisfactory, obviously.

Mr. YATES. You are going to reimburse them in case you terminate the contract?

Mr. RIPLEY. No.

Mr. YATES. It says you may.

Mr. JAMESON. Mr. Chairman?

Mr. YATES. It says "if the contract is terminated prior to the completion of the contract, 16 years, or during any of the two five-year extension options, the Smithsonian will reimburse the firm for the undepreciated value of the building, furniture, fixtures and equipment. The Smithsonian, therefore, will act as an indirect guarantor of the financing of the expansion."

Now, do the Regents know about this, the fact that you may act as an indirect guarantor?

Mr. JAMESON. Mr. Chairman, the way that works is that—let me say one thing, first of all. The building would be owned by the Smithsonian. It is not one of these—

Mr. YATES. Well, subject to this kind of a lien.

Mr. JAMESON. Yes. The plan we have would be that, should there be a requirement to terminate the contract, the current concessionaire at the time, the Institution would select another concessionaire. We believe there would be no difficulty in doing that given the interest that there is in this project. And part of the agreement, the contract with the new concessionaire, would be that that firm would provide funds in the amount of the undepreciated portion of the original concessionaire's investment, which would provide, then, the funds to reimburse, if you will, the first concessionaire.

Mr. YATES. Suppose you don't have a second concessionaire willing to do that?

Mr. JAMESON. As you may have seen from our papers, Mr. Chairman, we have sent out two RFPs. One for the Air and Space Museum facility, the other for the rest of the Institution. And we have some interest in thinking very hard about having two concessionaires on the Mall, in part because we think there would be some very healthy interplay and competition between those two concessionaires for providing very high quality food service.

And second, should there be a need, then, to select a replacement concessionaire, we would have one at hand, conversant with institutional operations, conversant with our management—conversant with our 25 million visitors to the Smithsonian. That is the reason for the two proposals at this point.

Mr. YATES. I have no objection to that. This is entirely a management function. The only question that comes to my mind is whether, in the event that you are required to terminate, and pay your concessionaire, whether you would then, if you didn't have your second concessionaire, find the funds from your trust operation rather than asking the government to provide the funds to pay off the concessionaire.

Mr. JAMESON. There would be no prospect of asking the government to pay off the residual balance.

Mr. YATES. I take it that is another way of saying that at no time would the government be called on to provide funding for the construction of the restaurant, or for paying off any obligations in connection therewith?

Mr. JAMESON. That is correct.

Mr. RIPLEY. That is true.

Mr. YATES. I just wanted to get that on the record. Unless you want to share the profits with the government.

Mr. JAMESON. Maybe we can strike a deal, Mr. Chairman.

Mr. YATES. Would you like to testify, Mr. Jameson?

OK. I think we have covered just about everything on the Mall. The Mall is protected. We only have one space left. Is there anything pending for that space before the Fine Arts Commission or National Capital Planning.

Mr. RIPLEY. We would have to make the pending—

Mr. YATES. Would you? Do you still have a lien on that space?

Mr. RIPLEY. Yes.

Mr. YATES. You do?

Mr. RIPLEY. That was a statutory act.

Mr. YATES. But that is such a long time ago, isn't it?

Thank you very much, gentlemen.









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